

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED

See attachment.

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

PENALTY: See attachment.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.▶ **BLAKE ROBERT JOHNSTON**

DISTRICT COURT NUMBER

CR-14-00545 JSW

FILED

APR - 2 2015

 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND
PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Department of Homeland Security

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form MELINDA HAAG
☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) CHRISTINA MCCALL, AUSA**DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

 1) ☐ If not detained give date any prior summons was served on above charges ▶
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☒ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

PENALTY SHEET ATTACHMENT FOR BLAKE ROBERT JOHNSTON

COUNT ONE: 18 U.S.C. § 2423(b) – Travel with Intent to Engage in Illicit Sexual Conduct

- (1) Imprisonment: Maximum 30 years
- (2) Fine: Maximum \$250,000
- (3) Supervised Release: Maximum life, with mandatory minimum of 5 years
- (4) Special Assessment: \$100.00
- (5) Forfeiture and restitution

COUNT TWO: 18 U.S.C. § 2423(a) – Transportation with Intent to Engage in Criminal Sexual Activity

- (1) Imprisonment: Maximum life, with mandatory minimum of 10 years
- (2) Fine: Maximum \$250,000
- (3) Supervised Release: Maximum life, with mandatory minimum of 5 years
- (4) Special Assessment: \$100.00
- (5) Forfeiture and restitution

COUNT THREE: 18 U.S.C. § 2422(b) – Online Enticement of a Minor

- (1) Imprisonment: Maximum life, with mandatory minimum of 10 years
- (2) Fine: Maximum \$250,000
- (3) Supervised Release: Maximum life, with mandatory minimum of 5 years
- (4) Special Assessment: \$100.00
- (5) Forfeiture and restitution

COUNTS FOUR and FIVE: 18 U.S.C. § 2251(a) and (e) – Production of Child Pornography

- (1) Imprisonment: Maximum 30 years, with mandatory minimum of 15 years
- (2) Fine: Maximum \$250,000
- (3) Supervised Release: Maximum life, with mandatory minimum of 5 years
- (4) Special Assessment: \$100.00
- (5) Forfeiture and restitution

COUNT SIX: 18 U.S.C. § 2252(a)(4)(B) – Possession of Child Pornography

- (1) Imprisonment: Maximum 10 years
- (2) Fine: Maximum \$250,000
- (3) Supervised Release: Maximum life, with mandatory minimum of 5 years
- (4) Special Assessment: \$100.00
- (5) Forfeiture and restitution

COUNT SEVEN: 18 U.S.C. § 2252(a)(2) – Distribution of Child Pornography

- (1) Imprisonment: Maximum 20 years, with mandatory minimum of 5 years
- (2) Fine: Maximum \$250,000
- (3) Supervised Release: Maximum life, with mandatory minimum of 5 years
- (4) Special Assessment: \$100.00
- (5) Forfeiture and restitution

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: Oakland

CR 14-0545 JSW

UNITED STATES OF AMERICA,

v.

BLAKE ROBERT JOHNSTON,

FILED

APR - 2 2015

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

DEFENDANT.

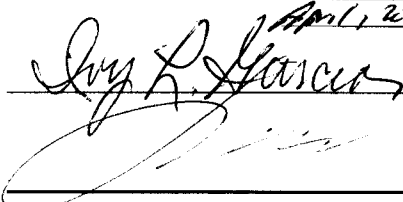
SUPERSEDING INDICTMENT

18 U.S.C. § 2423(b) – Travel with Intent to Engage in Illicit Sexual Conduct; 18 U.S.C. § 2423(a) – Transportation of a Minor with Intent to Engage in Criminal Sexual Activity; 18 U.S.C. § 2422(b) – Online Enticement of a Minor; 18 U.S.C. § 2251(a) and (e) – Production of Child Pornography (Two Counts); 18 U.S.C. § 2252(a)(4)(B) – Possession of Child Pornography; 18 U.S.C. § 2252(a)(2) – Distribution of Child Pornography; 18 U.S.C. § 2428 – Criminal Forfeiture

A true bill.


Foreman

Filed in open court this 2nd day of

April, 2015

Clerk

Bail, \$ no money

MELINDA HAAG (CABN 132612)
United States Attorney

FILED

APR - 2 2015

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

BLAKE ROBERT JOHNSTON,

Defendant.

) NO. CR 14-0545 JSW

) VIOLATIONS: 18 U.S.C. § 2423(b) – Travel with
) Intent to Engage in Illicit Sexual Conduct; 18 U.S.C.
) § 2423(a) – Transportation of a Minor with Intent to
) Engage in Criminal Sexual Activity; 18 U.S.C. §
) 2422(b) – Online Enticement of a Minor; 18 U.S.C. §
) 2251(a) and (e) – Production of Child Pornography
) (Two Counts); 18 U.S.C. § 2252(a)(4)(B) –
) Possession of Child Pornography; 18 U.S.C. §
) 2252(a)(2) – Distribution of Child Pornography; 18
) U.S.C. § 2428 – Criminal Forfeiture

) OAKLAND VENUE

SUPERSEDING INDICTMENT

The Grand Jury charges as follows, with all dates alleged being approximate and all date ranges both approximate and inclusive:

COUNT ONE: (18 U.S.C. § 2423(b) – Travel with Intent to Engage in Illicit Sexual Conduct)

On October 6, 2014, in the Northern District of California and elsewhere, the defendant,

BLAKE ROBERT JOHNSTON,

did travel in interstate commerce, from California to Oregon, for the purpose of engaging in illicit sexual conduct as in 18 U.S.C. § 2423(f), with a person under 18 years of age, in violation of Title 18, United States Code, Section 2423(b).

SUPERSEDING INDICTMENT

1 COUNT TWO: (18 U.S.C. § 2423(a) – Transportation of a Minor with Intent to Engage in Criminal
2 Sexual Activity)

3 On October 14 2014, in the Northern District of California and elsewhere, the defendant,
4 BLAKE ROBERT JOHNSTON,
5 did knowingly transport CN, an individual who had not attained the age of 18 years, in interstate
6 commerce, from Oregon to California, with the intent that CN engage in sexual activity for which a
7 person can be charged with a criminal offense, in violation of Title 18, United States Code, Section
8 2423(a).

9 COUNT THREE: (18 U.S.C. § 2422(b) – Online Enticement of a Minor)

10 From September through October, 2014, in the Northern District of California and elsewhere, the
11 defendant,

12 BLAKE ROBERT JOHNSTON,
13 using a facility of interstate commerce, did knowingly persuade, induce, entice, and coerce KP, an
14 individual who had not attained the age of 18 years, to engage in sexual activity for which any person
15 can be charged with a criminal offense under federal, state, and local law, and did attempt to do so, in
16 violation of Title 18, United States Code, Section 2422(b).

17 COUNT FOUR: (18 U.S.C. § 2251(a) and (e) – Production of Child Pornography)

18 From June 2012 through April 2013, in the Northern District of California and elsewhere, the
19 defendant,

20 BLAKE ROBERT JOHNSTON,
21 did knowingly employ, use, persuade, induce, entice, and coerce GW, a minor, to engage in sexually
22 explicit conduct for the purpose of producing a visual depiction of such conduct, (1) knowing and
23 having reason to know that such visual depiction would be transported and transmitted using any means
24 and facility of interstate and foreign commerce, and (2) where such visual depiction was in fact
25 transported in and affecting interstate and foreign commerce by any means, including by computer, in
26 violation of Title 18, United States Code, Sections 2251(a) and (e).

27 //

28 //

1 COUNT FIVE: (18 U.S.C. § 2251(a) and (e) – Production of Child Pornography)

2 From July through October, 2013, in the Northern District of California and elsewhere, the
3 defendant,

4 BLAKE ROBERT JOHNSTON,

5 did knowingly employ, use, persuade, induce, entice, and coerce AK, a minor, to engage in sexually
6 explicit conduct for the purpose of producing a visual depiction of such conduct, (1) knowing and
7 having reason to know that such visual depiction would be transported and transmitted using any means
8 and facility of interstate and foreign commerce, and (2) where such visual depiction was in fact
9 transported in and affecting interstate and foreign commerce by any means, including by computer, in
10 violation of Title 18, United States Code, Sections 2251(a) and (e).

11 COUNT SIX: (18 U.S.C. § 2252(a)(4)(B) – Possession of Child Pornography)

12 On October 15, 2014, in the Northern District of California, the defendant,

13 BLAKE ROBERT JOHNSTON,

14 did knowingly possess matter which contained at least one visual depiction that had been shipped and
15 transported using a means and facility of interstate and foreign commerce, and in and affecting interstate
16 and foreign commerce, and which was produced using materials which had been mailed, shipped, and
17 transported in interstate and foreign commerce, by any means including by computer, the production of
18 which involved the use of a minor, including a prepubescent child and a minor who had not attained 12
19 years of age, engaging in sexually explicit conduct, and which visual depiction was of such conduct, in
20 violation of Title 18, United States Code, Section 2252(a)(4)(B).

21 COUNT SEVEN: (18 U.S.C. § 2252(a)(2) - Distribution of Child Pornography)

22 On November 4, 2013, in the Northern District of California, the defendant,

23 BLAKE ROBERT JOHNSTON,

24 did knowingly distribute at least one visual depiction that had been shipped and transported using a
25 means and facility of interstate and foreign commerce, and in and affecting interstate and foreign
26 commerce, and which was produced using materials which had been mailed, shipped, and transported in
27 interstate and foreign commerce, by any means including by computer, the production of which
28 involved the use of a minor engaging in sexually explicit conduct, and which visual depiction was of

Upon conviction of any of the offenses alleged in Counts One through Seven, the defendant,

shall forfeit to the United States pursuant, to Title 18, United States Code, Section 2428(1), any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and (2) any property, real or personal, constituting or derived from any proceeds that such person obtained, directly or indirectly, as a result of such violation, including but not limited to the following items:

- a. White Samsung Galaxy Cell Phone (MPD ID #57);
- b. Samsung SM-G900T Cellular Phone (MPD ID #8);
- c. Blue Asus EEE PC Seashell Mini laptop (S/N: AAOAAS375199) (MPD ID #12);
- d. Silver and Black Toshiba Laptop Computer (S/N: Z9041816H) (MPD ID #15);
- e. Silver Dell PP18L Laptop (S/N: 0706-04-1675) (MPD ID #16);
- f. Western Digital Hard Drive (S/N: Wx51A61T6474) (MPD ID #26);
- g. Black Lenovo UY50-70 Laptop (S/N: CB31690126) (MPD ID # 44); and
- h. Apple iPad (MPD ID #40).

DATED: April 2, 2015


FOREPERSON

Wm Rhy —
DAVID R. CALLAWAY FOR
Chief, Criminal Division

SUPERSEDING INDICTMENT